

**STATE OF VERMONT
AGENCY OF HUMAN SERVICES
DEPARTMENT OF CORRECTIONS**

Directive: 371.15

Subject: Conditional Re-Entry

Effective Date: 12/30/02

Review and Re-Issue Date:

**Supersedes: 372.02
dated
3/1/02**

APA Rule Number:

Recommended for approval by:		Authorized By:	
Richard Turner, Director/Correctional Services		Steven M. Gold, Commissioner	
Signature	Date	Signature	Date

1. Authority:

1.1. 28 VSA, Chapter 11, subchapter 1A, Offender Reintegration, 28 VSA Section 808 (a)(6), VSA 28 subchapter 3, sections 501-507.

2. Purpose:

- Establish the eligibility criteria for conditional re-entry
- Outline the supervision and risk management programs for offenders released to conditional re-entry
- Describe the processes to provide negative and positive sanctions for offenders who violate conditional re-entry
- Describe the parole process for offenders on conditional re-entry

3. Applicability/Accessibility

3.1. This directive describes the Department's Conditional Re-entry Program. It is applicable to staff involved in classification and release planning for inmates, in supervision of offenders on conditional re-entry and in the preparation of information to the parole board for offenders eligible for parole. Anyone may have a copy of this directive.

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4. Directive

4.1. Eligibility for Conditional Re-entry

Offenders will not be released on conditional re-entry until they have served their entire minimum sentence.

After serving the entire minimum sentence offenders are eligible for release on conditional re-entry except as follows:

- 1) When an offender convicted of a listed offense who is placed in program management level "C", has not completed in an exemplary fashion the required treatment program to reduce his/her risk of violence.
- 2) When an offender convicted of a listed offense who is placed in program management level "B" has not yet satisfactorily participated in the number of months of treatment required by his/her sentence.
- 3) When an offender is serving segregation time for a disciplinary infraction.
- 4) When an offender is being held for lack of bail on other charges.

4.2 Release of eligible offenders

All eligible offenders shall be released on conditional re-entry once they have completed their entire minimum sentence. The field or facility Superintendent may recommend to the Director of Correctional Services that an eligible offender's release be delayed if he/she believes:

- 1) There is substantial credible evidence that the release will place a particular citizen at risk of harm.
- 2) That based on risk assessment, and current behavior in the correctional facility release will pose an imminent risk to public safety.
- 3) The offender has failed to meet their responsibilities to the victim and/or the community as established by the offender responsibility plan.

If a Superintendent is recommending to delay the release of an eligible offender he/she shall forward a Case Staffing Review Form along with a rationale for the delay to the Director of Classification. A case staffing will be scheduled to review the case. If approved by the Director of Correctional Services, release may be delayed until the reasons causing the delay have been addressed sufficiently to allow for release on conditional re-entry.

Consistent with title 28 chapter 1(b), and 2(a) and in accordance with Policy 371, the department's goal is to release offenders on conditional re-entry once they have served their minimum sentence unless they pose an imminent threat to public safety. Offenders should be released on a plan designed to address the needs of victims, restore the community, and adequately manage the offender's criminal risk. While corrections professionals must be allowed to exercise professional judgement to delay release of eligible offenders, it is vital that the department manages to achieve the goals stated above. Accordingly, the director of correctional services shall establish and manage a

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system that identifies offenders whose release on minimum sentence has been delayed, allows for review of the decision to delay release, and monitors the department's efforts to mitigate the barriers to release.

4.3 Release planning

Pursuant to Title 28, Section 721, the department's goal is to release eligible offenders to conditional re-entry on the day they reach their minimum sentence unless their release has been delayed by the superintendent for any of the reasons listed above. The responsibility to achieve this goal falls jointly on the Facility Superintendent and the CCSC Superintendent.

4.3.1. Responsibility of the facility superintendent:

- Timely information to field offices when an offender's release is approaching.
- Coordinating the processes leading to release on conditional re-entry; including, ensuring that field CSSs are aware of the timetable for release and the key events attendant to that release so they can prepare a release plan.

4.3.2. Responsibility of the field superintendent:

- Developing an offender's release plan in a timely way so that release to conditional re-entry occurs at the minimum sentence;
- Eliminating or resolving barriers to release for eligible offenders.

The field and facility superintendents in each area shall develop local procedures that achieve release of eligible offenders on their minimum sentence.

4.3.3. Release planning time frames

- Upon intake the facility CSS should start working towards a release plan. In cases where this is unrealistic, the planning should start at the 6-month window prior to the minimum release date. At a minimum, the CSS should get possible residence information from the offender, call the prospective locations to see if it is a viable plan, and if so forward it to the field CSS for further investigation.
- Between 6 months and 90 days of release, a field caseworker will be assigned to begin the release planning process.

4.3.4. Developing a plan for conditional re-entry

Whenever possible, the process shall provide opportunities for the victims and other members of the community to participate in the release planning process. In completing the release plan the following factors shall be considered and included where applicable:

- A plan to address the needs of the victim / affected parties (refer to Directive 502.01);
- A plan to restore the community;

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- A plan to address the criminogenic needs that manifest themselves during the administration of the LSI;
- If convicted of a violent crime, a treatment plan designed to prevent future violence;
- A plan for successful community living including employment, continuing education, successful family living, and successful citizenship.

4.3.5. Terms of Release for Conditional Re-entry

The Department shall develop terms of release for each offender on conditional re-entry. Conditions are to maintain control and supervision of offenders on this status, address the needs of the victim, restore the community, and participate in correctional programming to address criminogenic needs. (See Appendix A - attached)

4.4 Violation of Conditional Re-entry

Violations of conditional re-entry shall be held pursuant to Directive 371.16 and Directive 410.02.

4.5 Parole Consideration for Offenders on Conditional Re-entry

- Upon reaching the minimum sentence:

Unless he/she waives it, offenders will see the board upon satisfying their minimum sentence. The department will provide the board with documents and a recommendation regarding appropriateness of parole.

- Upon completion of the initial conditional re-entry term:

Pursuant to title 28, Section 725, offenders on conditional re-entry will be referred to the parole board as follows:

- If they are convicted of crimes that are not listed in V.S.A. Title 13, chapter 165 section 5301 they will be scheduled for a hearing before the parole board after serving 90 days on community re-entry.
- If they are convicted of crimes that are listed in V.S.A. Title 13, chapter 165 section 5301 they will be scheduled for a hearing after serving 180 days on conditional re-entry.
- Superintendents of field sites shall ensure that offenders have their hearings in a timely way in accordance with parole board procedures.

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5. Training Method

5.1. Each site manager will ensure all staff have read and understand this directive.

6. Quality Assurance Processes

6.1. Each site manager will establish a local procedure.

7. Financial Impact:

7.1. Statute directs that offenders be released at their minimum release date. Previously offenders could be furloughed prior to their minimum. Currently we may be experiencing increased bed demand due to this, however, over time a more defined period of incarceration should mitigate this.

8. References

8.1 Title 28 V.S.A.

8. Responsible Director and Draft Participants

Ray Flum, Director of Classification

Vermont Department of Corrections

- ☐ Conditional Re-Entry Agreement
- ☐ PAF Agreement
- ☐ SCS Agreement
- ☐ Furlough Agreement

Offender Name: _____ DOB _____

MPL: _____

Offenses: _____

Address: _____

Home Phone: _____

Work Phone: _____

Standard Conditions

- A. I will commit no act punishable by law.
- B. I will immediately report any contact with law enforcement to my supervising CSS or CO.
- C. I will not engage in threatening, violent or assaultive behavior.
- D. I will report to Department of Corrections staff at the time and place, and in the manner they require.
- E. I will not leave the State of Vermont without written permission of the Department of Corrections.
- F. I will allow the Department of Corrections to visit me in my home or place of employment or elsewhere at any time.
- G. I will not purchase, possess, or consume regulated drugs without a prescription from a licensed physician.
- H. I will work and reside as directed by the Department of Corrections. I will participate as directed in community service work, work crew or structured work search.
- I. I agree to submit my person, place of residence, vehicle or property to a search at any time of the day or night by the department of corrections staff.
- J. I will submit to photographing for ID purposes as directed by Department of Corrections
- K. I will not drive a motor vehicle of any type unless approved by the Superintendent.
- L. I will not use alcoholic beverages to the extent they interfere with my employment or the welfare of my family, myself, or any other person.
- M. I agree to assume all costs incurred for any medical and dental expenses while on furlough.
- N. I will submit to a urine screen or alco-sensor test at the request of a duly authorized agent of the Department of Corrections.

Special Conditions

The following special conditions may be applied on a case by case basis and must be based on the level of risk in the individual case. Each condition being imposed must be tied to a risk related issue. Check off and initial the conditions being imposed.

1. I will not purchase, possess, or consume alcoholic beverages.
2. I shall not be in the company of, contact or caused to be contacted anyone that is deemed inappropriate, by my supervising CSS. Including, but not limited to: _____
3. I will follow the provisions of the ORP as it pertains to the treatment program and its requirements
4. I shall attend all activity / programs as directed by the CSS that are risk related or are restorative in nature and participate to the satisfaction of the CSS
5. I shall reside in a place approved by the CSS. I will maintain safe access to my residence at all times (protection from dogs, open gates, etc.)
6. I will maintain a telephone with a private line within my residence
7. I have permission to drive a motor vehicle from the Superintendent
8. I will have no explosives or weapons on my person or in my residence. This includes but is not limited to hunting equipment, knives, guns, martial arts equipment, bows or any other object as determined by the Department of Corrections Staff.
9. If I am placed on a prescription drug, I will supply the name of the drug and the doctor's name to the Department of Corrections Staff with in 24 hours. I agree to sign and execute any release deemed necessary so the department of corrections staff can verify the source and purpose on medically prescribed drug. I agree not to abuse any drug prescription.
10. I will make regular payments towards any fine or restitution at the rate of -----per week or -----per month.
11. I will abide by any curfew imposed by the CSS. My curfew is _____.
12. I will remain at my residence unless I am specifically authorized by this agreement to be elsewhere.
13. I shall submit a detailed written schedule of my activities as directed by my CSS
14. Other -----
15. See attached special conditions for Sexual Offenders - (refer to Sentencing Option Manual – section H)
16. See attached special conditions for Domestic Violence Offenders – (refer to Sentencing Option Manual - section I)

NOTICE

While you are on furlough status, PAF, SCS, CR, or FR, you are subject to being charged with the crime of escape in accordance with Title 13, chapter 35, Section 1501 if:

- 1 You are attempting to allude or evade supervision, or
- 2 You leave the state without permission

Should I violate this agreement by traveling to any jurisdiction in or outside the U.S., where I may be found, I hereby waive extradition to the state of Vermont. I will not contest any effort by any jurisdiction to return me to the State of Vermont. I may also be subject to re-payment of the cost of extradition for my return.

My signature below is indication that I have had the conditions read and explained to me and I understand them. I also understand that my release on furlough is a privilege and that if I violate this agreement I would be subject to graduated sanctions and or a furlough revocation that possibly could have me serve the remainder of my sentence incarcerated. I further acknowledge the waiver of extradition and with my signature acknowledge that I will not contest any effort to return me to Vermont.

Offender Date

My signature below is an indication that I have read and explained the above conditions to the offender. I have also explained to the offender the notice regarding escape and the waiver of extradition issues.

Staff Date

My signature below is an indication that I have authorized the offender indicated above to be released on conditional re-entry, PAF, or SCS.

Superintendent Date